

GARY L. REBACK (SBN 100118)  
greback@carrferrell.com  
ROBERT J. YORIO (SBN 93178)  
Yorio@carrferrell.com  
CARR & FERRELL *LLP*  
120 Constitution Drive  
Menlo Park, California 94025  
Telephone: (650) 812-3400  
Facsimile: (650) 812-3444

Attorneys for *Amicus Curiae*  
CONSUMER WATCHDOG

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

GOOGLE INC.,  
Defendant.

CASE NO. CV 12-04177 SI

**DECLARATION OF ROBERT J. YORIO IN  
SUPPORT OF MOTION OF CONSUMER  
WATCHDOG (1) FOR LEAVE  
TO FILE *AMICUS CURIAE* BRIEF IN  
OPPOSITION TO PROPOSED STIPULATED  
ORDER OF THE PARTIES, (2) FOR  
MODIFICATION OF MAGISTRATE  
JUDGE'S BRIEFING SCHEDULE, AND (3)  
FOR AN ORDER SETTING A HEARING ON  
THE PARTIES' MOTION AND  
PERMITTING CONSUMER WATCHDOG  
TO PARTICIPATE THEREIN**

Date: Sept. 28, 2012  
Time: 9:00 a.m.  
Courtroom: 10  
Judge: Honorable Susan Illston

I, Robert J. Yorio, declare as follows:

1. I am a partner with the law firm of Carr & Ferrell, LLP.
2. Attached hereto as Exhibit A is a true and correct copy of the February 17, 2012 letter sent from Consumer Watchdog to the Honorable Jon Leibowitz, Chairman of the Federal Trade

1 Commission, requesting that each of the FTC Commissioners investigate whether Google was  
2 violating its prior consent decree.

3 3. Attached hereto as Exhibit B is a true and correct copy of the March 29, 2012 Federal  
4 Trade Commission response to Consumer Watchdog's February 17, 2012 request to investigate  
5 Google.

6 4. On August 20, 2012, I contacted Plaintiff's Attorney, Adrienne Elise Fowler at the  
7 U.S. Department of Justice, Office of Consumer Litigation, by email to inquire whether Plaintiff  
8 would consent to the filing of an *amicus curiae* brief by Consumer Watchdog. On August 21, 2012, I  
9 was informed by Ms. Fowler that Plaintiff would not take a position regarding the filing of the brief.

10 5. On August 20, 2012, I contacted Counsel for Defendant, Leo Patrick Cunningham of  
11 Wilson Sonsini Goodrich & Rosati by email with the same request. On August 21, 2012, Defendant  
12 also declined to take a position as to the filing of an *amicus curiae* brief by Consumer Watchdog.

13 I declare under penalty of perjury under the laws of the State of California that each of the  
14 above statements is true and correct. Executed on August 21, 2012, in Menlo Park, California.

15  
16 /s/ Robert J. Yorio  
17 ROBERT J. YORIO  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28